

**MINUTES FOR MAY 5, 2011**  
**MEETING OF THE PEDESTRIAN AND TRAFFIC SAFETY ADVISORY COMMITTEE**

**Members Present:** Erwin Mack, Chair; Colleen Mitchell, Vice Chair; David Anspacher, MNCPPC; Captain Thomas Didone, MCPD; Steve Friedman; Arthur Holmes, MCDOT; Alan Migdall; Alyce Ortuzar; Reemberto Rodriguez, Silver Spring RSC; Richard Romer representing Councilmember Ervin; David Sharp; Ramin Assa via phone; Jack Strausman; Peter Moe, MSHA;

**Members Absent:** Darrel Droblich; John Britton, Municipal League; James D'Andrea, MCPS;

**County Staff:** Jeff Dunckel, Pedestrian Safety Coordinator, Will Haynes; MCDOT-DTEO; Nadji Kirby, MCDOT-SRTS;

**Guests:** Councilmember Phil Andrews; Richard Hoyer; John Wetmore

**1. Committee Business**

Erwin Mack, Chair, called the meeting order at 7:02 pm. Ramin Assa was connected to the meeting via phone, as he was away on a business meeting. The first order of business was approval of the minutes from the March 3, 2011 meeting.

**MOTION:** A motion was made by a committee member and seconded to accept the minutes as presented. The March Minutes were approved unanimously, without further discussion.

As John Britton was unable to attend tonight's meeting, Jeff Dunckel introduced Matthew Folden, the City of Rockville's newly designated Pedestrian and Bicycle Safety Coordinator. Folden thanked the committee for inviting him. He has been a transportation planner in Rockville for the last three years. This new position is an enhancement of his previous position, now responsible for coordinating all the different pedestrian and bicycle programs being implemented in Rockville by different agencies. Folden should be considered the point-person for anyone having questions about pedestrian or bicycle programs in Rockville. Rebecca Torme will still be responsible for site plan reviews and land use planning issues.

**MOTION:** Peter Moe moved that a letter be sent to the City of Rockville, congratulating them on taking such an important step as designating and hiring an individual to serve as a Pedestrian and Bicycle Safety Coordinator. Alan Migdall seconded the motion. The letter will be addressed to the Mayor. The motion passed unanimously.

The floor was opened for up to 10 minutes of comments from visitors. John Wetmore, producer of the Perils for Pedestrians cable TV show, commended the recent efforts of the County to plan and build a hiker/biker pathway on Bradley Boulevard, between Wilson and Goldsboro. Wetmore expressed his support of the County's effort while recognizing that there was some significant opposition from local residents. He asked that the County do what was right, and build the hiker/biker pathway. David Anspacher (MNCPPC) stated the plan would be before the Planning Board in July, if others wished to express their support of the project. Wetmore also expressed surprise that the debate seems to have taken on a very anti-bicyclist tone from some of the opposition. Steve Friedman commented that Bradley was already a very heavily trafficked route for cyclists.

Dunckel announced that the contracts for the education activities, planned for the High Incidence Areas (HIA's) had been executed, kick-off meetings had occurred, and that pedestrian surveying and plans for education activities in the next two HIAs (Wisconsin Avenue and Four Corners) were underway. Because the school at Four Corners (Blair High School) generates a high volume of pedestrians, Four Corners will be addressed first in order to have education activities underway by the next school year; pedestrian safety education is anticipated to be a big part of the effort at the Four Corners HIA.

**Action:** Dunckel stated a presentation by MCDOT staff to the PTSAC on plans for education in the HIAs will be made at the July meeting.

Due to Ramin Assa needing to end his phone participation by 8:00 pm, his Subcommittee topic of the Sidewalks-Pedestrian Network Assessment was addressed next:

## 6. Subcommittee Reports, Updates, and Recommendations:

***Sidewalks-Pedestrian Network Assessment Subcommittee*** - Alan Migdall presented the report submitted by Ramin Assa. Migdall summarized for the group that what was being proposed in the report was an inventory of deficiencies in the pedestrian network for future remediation, as described in the original Pedestrian Safety Initiative, Strategy 2. The idea being proposed is to do this on a small scale as a pilot for future application on a broader scale. The pilot locations (two locations) are yet to be identified. Assa reviewed what work had been done the last two months: numerous meetings were held. The ideas for constructing a network-assessment have been determined and are included in the report. The Subcommittee would like to have the PTSAC endorsement of recommending to MCDOT two pilot locations to conduct the assessment, as described in the report. Mack asked if a vote on the action could be deferred until the July meeting. Assa indicated he would hope to get the PTSAC support for proceeding with the pilot assessment as described in his report. Dunckel clarified that this proposal was first made by the PTSAC back in November. The description of the assessment had now been laid out in Assa's report – pick two locations using the criteria described in the report. The hope tonight is to get some support, input and feedback from the committee on a number of issues: good locations for a pilot; does the committee support this effort; what concerns might the committee have about this assessment; are there specific areas and characteristics the PTSAC would suggest be included in selecting a pilot location. Assa clarified that a limited area was being sought, perhaps ½ square mile area - - with a supportive local neighborhood association that may help conduct the surveys. Mack asked to defer final action until July 7.

**MOTION:** Alan Migdall moved that the PTSAC endorse the concept of a sidewalk-pedestrian network assessment, as described in the report, and that actual locations be recommended at the meeting in July. Existing tools and existing databases for these locations (by the State and/or others) will be included in the evaluation. The motion was seconded by Ramin Assa. The motion passed unanimously.

In discussion, Alyce Ortuzar reiterated her request that MSHA provide a presentation on what they are doing in the Ashton-Sandy Springs area in terms of connecting the non-contiguous sidewalks in that area - - what the State is doing may provide insights into how we can proceed with this project. Peter Moe responded that this issue was being discussed at MSHA, and that the process should look at models that had already been completed: how to collect information, what information to collect, how to incorporate the information into a model: all these things need to be considered for this pilot. The subcommittee should help sort out these issues for the final recommendation. Moe asked about the criteria of selecting a location that is about to have other sidewalk-pedestrian network and capital improvements constructed - - why would we prioritize an area that is about to have major changes in its infrastructure. Migdall explained his perception: this was to address areas that were about to be under construction, so that the improvements constructed would actually address the needed connectivity improvements, and where construction would already be occurring would be places where additional needed construction could be identified. Moe: the data from the survey should inform the design of the planned projects. Assa agreed, reminding Moe that the purpose of this proposal was to do a pilot, so the needs of one limited area could be assessed and whether this assessment would be useful to the engineers designing and building improvements in these areas. If so, then this could be expanded into larger geographical areas.

### 2.) **Discussion of WMCCAB Meeting and Follow Up Letter**

Mack began the discussion with an explanation that he had not received in the mail the letter from the Western Montgomery County Citizens Advisory Board (WMCCAB), though it was addressed correctly to his home. He recently discovered this, and just received a copy of the letter yesterday. This did not afford much time to review and consider the issues being raised in the letter, prior to tonight's PTSAC meeting. There were also no guests from the WMCCAB at tonight's meeting – so not sure how to sort out the issues raised in the letter. Mack did note that items one and two spoke to the need to be able to track issues and concerns reported to the 311 system, and other agencies outside of the County organization.

Migdall explained his experience, and how 311 is not currently tracking reported items, other than whether they have been assigned to the appropriate agency. Rich Romer concurred that the tracking of reported problems is something the County Council would like to see the system do; it is the goal they are moving towards. Art Holmes commented that this issue has also come up at CountyStat reviews; the CAO is aware of the problem. Leslie Hamm is the Director of the 311 system. Mack suggested that items one and two from the letter be directed to Leslie Hamm. Moe described the MSHA CCMS system, where the State assigns a tracking number to complaints they get. The two systems are not linked, and probably

never will be. But perhaps the County staff that reports the issue to the State could record the CCMS number, and report that back to the reporting citizen.

Dunckel noted that item two was not a 311 system, as these reports are not routed through 311. Romer suggested forwarding the web-based resource issue up to the Public Information Office, since they are responsible for both 311 and the web pages.

**MOTION: The committee member moved that the items that related to the County's call center and website (item number one and two) be forwarded to the Public Information Office for resolution. The motion passed unanimously.**

Item three, utility poles and fire hydrants obstructing the sidewalk and the lack of coordination, was discussed. Moe recalled that the issue was more about lack of feedback to the community, and that coordination was occurring but without the community's knowledge. Ortuzar suggested that people who actually walk and bike these facilities need to be consulted. Jack Strausman cited the complications of dealing with constrained Rights-of-ways, and property owners sometimes unwilling to cooperate with easements to allow clearance of utility pole installations. Friedman suggested that the issue was less about coordination between the agencies, but about coordination of communication back to the folks with concerns about their pathways. A better system to communicate -- other than slapping something up on a website -- may be needed. And it is more than just feedback -- it is disseminating information past those who may attend meetings -- to the larger community. Reemberto Rodriguez thought we should be creating a culture that says: we will not impede sidewalks with utility poles or fire hydrants. Holmes pointed at that access is a function of time; ADA didn't exist 50 years ago. Now we are going back to fix things. We are working with MSHA and the US Dept. of Justice to prevent future problems using the permitting process -- but that does not fix yesterday's problems. Moe recalled that the feedback to the community on these ongoing issues was what was discussed at the January meeting as being needed. David Sharp asked how citizens report problems; 311 is the venue to use.

Ramin Assa noted that items four and five restate the citizens' desire to have their voices and concerns heard -- that improving communications is the key to addressing the concerns expressed in the letter. Where problems are observed, the citizens need to be heard and explained what the situation is. Colleen Mitchell pointed out that while communication is important, doing projects correctly -- addressing the concerns of the citizens and building things as requested -- is really more important. Feedback and communication may be important, but being responsive with the solutions to citizen identified problems is more important.

Art Holmes asked that if anyone sees something dumb being done, to let him know about it personally -- that he wants to know about it. But 311 is the system the County is employing to be more responsive to the citizens.

Mack asked if the letter should be sent to all department heads; Holmes thought that would be appropriate. Romer commented that the letter has already been distributed to the Council and the Executive, so there was really no need for the PTSAC to take additional action.

Holmes stated that MCDOT would take the letter, research the issues raised, and report back to the PTSAC on what actions have been taken and what responses have been prepared. This will be provided to the PTSAC before the July meeting. Moe pointed out that item 4 indicates an interest and willingness to work with the PTSAC on identifying pilot areas for the Sidewalk-Pedestrian Network Assessment, as proposed earlier by Migdall and Assa. Moe requested that Migdall and Assa reach out to the WMCCAB and obtain their participation in selecting a pilot study area (in the Western Montgomery County.)

**Action: Mack requested that all Department Heads receive a copy of the WMCAAB letter and that MCDOT report back to the PTSAC at the next meeting on what was done in response to these issues.**

#### **4.) Councilmember Andrews' Legislation -- Permitting of Panhandling/Roadside Solicitation**

Mack introduced Councilmember Phil Andrews, explaining that he had invited Councilmember Andrews in response to Andrew's request that Mack speak at the introduction of the Legislation, Bill 12-11, on Roadside Solicitation. This was following last month's PTSAC discussion of State legislation on the issue being considered in the Annapolis Legislature.

Andrews stated his support of the pedestrian safety issue, commending the PTSAC for their efforts on this issue that is of

such importance to Montgomery County. Andrews passed out the legislation he introduced, along with photographs of County Fire Fighters conducting the “Fill the Boot,” Campaign where fire fighters walk into the street to collect contributions for the Muscular Dystrophy Association. Andrews supports raising money for this cause, but questions whether this is the correct way to do it. It puts fire fighters at risk in the roadway- - in California and Texas, fire fighters were recently struck by vehicles while doing this activity. The bill introduced by Andrews, was also sponsored by Councilmembers Ervin and Rice. It is trying to do at the County level what we can do; efforts to pass similar legislation limiting roadside solicitation at the State level failed this year. The County can not yet prohibit solicitation in a median or in traffic. But what this bill does is prevent County employees from doing solicitation in the roadway during County work hours; this is an effort to keep our County employees from engaging in dangerous pedestrian behaviors on County-time, on behalf of fundraising. The bill is opposed by the County Executive, the County fire fighters, and the Chief of Fire and Rescue Services. Andrews pointed out this current practice sets a bad example, and is inconsistent with our efforts to teach and enforce safe pedestrian behaviors. Andrews seeks the support of the PTSAC for this County legislation: it is important that the County Council knows what the PTSAC thinks of this legislation. It is scheduled for committee hearings in June, and is expected to go to full Council after that.

Upon being questioned, Cpt. Tom Didone expressed the opinion that traffic is not a safe place to be walking or standing, and should be discouraged. Steve Friedman noted that if fire fighters were hurt in traffic while on the job, this could be a workers compensation case that would affect insurance rates for all County employees. This activity is also observed at some of the busiest and most conflicted traffic intersections - - because that is where the money is. Peter Moe asked for a nod of heads that whatever the issue for pedestrian safety, that the PTSAC fully acknowledges, appreciates, and supports the fine work of the County’s fire fighters – both paid and volunteer. There was consensus from the committee on this acknowledgment.

Richard Hoyer, a guest, was invited to speak to the issue. He is a retired professional fire fighter who has participated in the “Fill the Boot,” campaign in the past. His issue was that this legislation targeted just one group of roadway users, and that roads were in fact for all user groups. This legislation is targeted at the vulnerable user of the public space; the users posing the threat (the vehicles) are the ones that should be regulated. Hoyer feels heavily congested intersections are safer because of the congestion, with cars traveling at slower speeds. Putting people in the roadways is contributing to traffic safety as it slows traffic, stated Hoyer. Alyce Ortuzar disagreed, stating people and cars do not belong in the same space.

Andrews pointed out that current State law does prohibit going into the roadway for any reason other than being with a disabled vehicle. Fire fighters are currently breaking the law with the “Fill the Boot” campaign. That puts our police in a tough situation of not enforcing state law. Andrew clarified that his legislation was proposed to end this conflict - - at least for County employees while they are working for the County.

Colleen Mitchell pointed out that fire fighters are the models of the community for children; having them walking in the street when we are trying to teach the children that they shouldn’t be jaywalking sends a conflicting message. Jay walking is one of our most serious pedestrian safety problems. Allowing fire fighters to walk in the street sets a bad example, she stated. Erwin Mack made an impassioned personal statement of his experience of striking a pedestrian who was jay walking. He expressed his support of the fire fighters and the Muscular Dystrophy Association, but stated he felt there had to be a safer way to raise the funds for this worthy cause. He read the bill’s provisions to the PTSAC.

**MOTION: Jack Strausman moved that the PTSAC support Bill 12-11, prohibiting a County employee from standing in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle during official work hours. Alyce Ortuzar seconded the motion. The motion passed with 10 yeas, two abstentions, and one opposed based on procedural grounds.**

Migdall expressed concern that there was nobody at the meeting to express the other side, such as the Chief of Fire and Rescue Services or the County Executive’s Office. Several members expressed the opinion that both sides of the issue had been discussed.

### **3. ) MCPD Plans for Increased Enforcement**

Spring has arrived and so has enforcement, proclaimed Cpt. Tom Didone. MCPD has been working with High Incidence Areas; this spring we are trying something called corridor enforcement. This is a culmination of the other enforcement

actions that have been underway this spring (Street Smart). Taking a stretch of roadway that links in a couple of HIAs, a targeted, enhanced enforcement effort has been launched, called “Operation Safe Street.” All illegal traffic and pedestrians actions – many contributing to unsafe pedestrian situations - - are being ticketed in this zone - - this raises general awareness. These enforcement waves will be continued on a smaller scale throughout the year. Traffic squads are being asked to get together once a month and do some enforcement in HIAs and Safe Routes to School locations - -or high trafficked corridor, doing enforcement with zero tolerance. This will be rotated throughout the County using a team approach. The last couple of years, MCPD has been handing out flyers and increasing awareness, now they will be doing enforcement. The police are going to stop giving awareness, and start giving citations.

Historically, Officers have been reluctant to give tickets to pedestrians. This is a change of culture for police – a work in progress. In the first day (May 4,) police made:

400 Contacts/Stops were made

156 Citations were issued – to both drivers and pedestrians (mostly drivers)

Speed cameras continue to be a key component to slowing traffic down and increasing pedestrian safety. Slowing down vehicles give drivers several more seconds to avoid a collision, increases the compliance rate of drivers stopping for pedestrians, and if pedestrians are hit, they are less severely injured.

The first quarter pedestrian collision statistics are in: the County pedestrian collisions are down from last year’s first quarter. Early analysis reveals:

72% are occurring on the street

28% are in parking lots

60% drivers at fault

40% pedestrians at fault

65% occur between 6:00 am/6:00 pm

35% occur between 6:00 pm/6:00 am

Didone described the two pedestrian fatalities to date (as end of April.) All pedestrian related accidents report are now coming directly to Didone so that he can monitor what is happening.

Alyce Ortuzar expressed concern about the lack of crosswalks and signalized pedestrian crossing opportunities for large stretches of roadway – such as Georgia Avenue. She wants police to show some discretion when pedestrians have to jaywalk because there is no opportunity to use a crosswalk or signal. Peter Moe cited the States’s Strategic Highway Safety Plan, now under development for the State to address these system-wide issues for improving both pedestrian safety and pedestrian mobility: two sides of the same coin. Providing for safe mid-block crossings is one issue being addressed. Moe noted that the effort is using Montgomery County as a model for action across the State – Dunckel and Didone are part of the work group developing this strategic plan. Friedman cited the recent example of the new mid-block crosswalk on Bethesda Avenue that has greatly improved safety where people were naturally crossing at the parking garage. Friedman commented that literally overnight, the situation changed from hazardous to safe with the addition of the crosswalk at the mid-block. Wetmore asked about unmarked crosswalks at sections of road without crosswalks - - wasn’t it legal to cross there? Moe and Didone replied that the realistic interpretation of the law was that pedestrians at mid-block are only jaywalking if they impede the path of vehicles. Pedestrians are to cross at either a marked or unmarked crosswalk (intersections without crosswalks) stated Didone.

## **5.) Update on FY 12 Budget for Pedestrian Safety Initiative**

As Bill Selby was ill and unable to attend, Jeff Dunckel directed the committee’s attention to the County Executive recommended budget for FY12 in the meeting packet. The budget for FY12 will be discussed at the next meeting, in July, at which point the County will have determined what the actual budget will be for FY12. Dunckel noted that many of the ideas and issues discussed with Al Roshdieh at the September and November meetings were reflected in the recommended budget now before the Council. Mack noted that the budget at just over \$3 million, was \$2 million less than two years ago. Romer announced that the full Council would be taking up the pedestrian safety budget on Tuesday, May 10. Romer asked whether the State’s supplemental budget allocation had been added to the pedestrian safety budget under the amendment. Holmes responded that MCDOT was fighting to add more money into pedestrian safety, such as for pedestrian signal timing modifications. Didone noted that a need he has observed is for the increased maintenance of crosswalks – which are starting to disappear on the street; he encouraged the committee to support additional funding to MCDOT to reinstate the maintenance of crosswalks.

## **6. Subcommittee Reports, Updates, and Recommendations:**

Ramin Assa already discussed the Assessment being developed by the *Sidewalks-Pedestrian Network Subcommittee*.

***Bicycle Access and Safety Subcommittee:*** Steve Friedman described the recent work of a work group that is planning a Ride-along for June, where County leaders, policy makers, and decision makers will be hosted by the bicycle advocacy community for a bike ride along some of the County's facilities, to raise awareness of some of the issues confronting bicyclists. Friedman expects about 30 riders to participate. Initially, the plan is to start in North Bethesda, travel past the BRAC facilities, and end up in Silver Spring at the Civic Center – traveling on a variety of different bicycle facilities. Dunckel noted, that while Rodriguez had not yet been approached and did not yet know about the plans, Rodriguez had volunteered to host the follow-up debrief at the Silver Spring Civic Center, where the ride will conclude.

The Montgomery Civic Association is organizing a Montgomery Bicycle Conference on the morning of Saturday, May 14. Bike to Work Day is scheduled for Friday, May 20. Information and registration is on the Washington Area Bicycle Association (WABA) website. Friedman expects good participation with pit stops all over the region.

## **7. New Business/Committee Comments**

- PTSAC Membership Selection Committee: Erwin Mack described the upcoming selection of new members, as some of the committees previous member's terms expire on July 31. Friedman and Mitchell have volunteered to serve on a Selection Committee. If anyone else is interested in serving on the Selection Committee, let Dunckel know.

- Change in Leadership: Erwin Mack announced that his term of office is over as of the end of July, having served two terms on the committee. Mack has made an inquiry as to whether an exception can be made to the two term limit in the PTSAC legislation that would allow him to serve a third term, and perhaps continue serving as its Chair. He has considered serving the PTSAC as an incredible honor and would like to continue to serve. Mack has been told that exceptions are sometimes made; he is considering applying for a third term, and will decide soon. Ortuzar expressed her hope that Mack would reapply for a third term. Dunckel thanked Erwin for having stepped up to plate three years ago, when the Committee needed a new leader, and having nurtured the Committee into a very collegial, constructive, productive group that is benefiting not only MCDOT, the Council and the Executive, but the entire population of Montgomery County.

Dunckel announced that, given the looming change of leadership issue, MCDOT is seeking nominations for the next Chair of the committee. Any Committee member may nominate another member, or themselves, by sending him an email with the nomination, and an explanation of why they would be a good Chair, and a resume or statement of qualifications to be Chair. MCDOT will evaluate these nominations and recommend to the County Executive who should be appointed as the next Chair. The legislation clearly states that the County Executive appoints the Chair of the committee. The solicitation for new members will go out in about a week, with a one-month window for candidates to apply.

The following members are eligible for reappointment to another term, and should send a letter and resume to Dunckel:

Valerie Ervin  
James D'Andrea  
Alan Migdall  
David Sharp  
Jack Strausman

## **8. Adjourn**

The meeting adjourned at 9:35 pm

**- Next Scheduled Meeting Date: July 7, 2011**